

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

David Lee LANDERS

Case No.

3:17 m 507

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 8/17/2017 in the county of Montgomery in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 USC s. 922(g)(1)

felon in possession of a firearm

18 USC s. 924(c)

possession of a firearm in furtherance of a drug trafficking crime

21 USC s. 841(a)(1)

possession with intent to distribute 100 grams of heroin and 50 grams of methamphetamine

This criminal complaint is based on these facts:

See Affidavit of Michael Fuller

☒ Continued on the attached sheet.


Complainant's signature

Michael Fuller, TFO of the FBI

Printed name and title

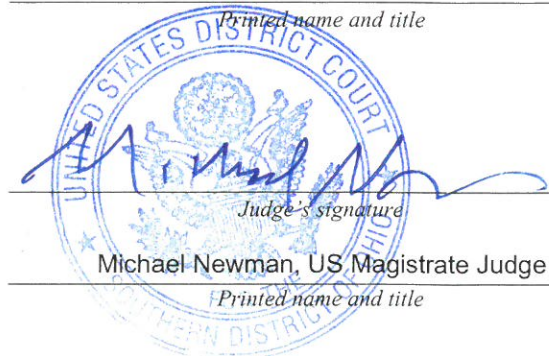
Sworn to before me and signed in my presence.

Date:

10/23/17

City and state:

Dayton, Ohio



Judge's signature

Michael Newman, US Magistrate Judge

Printed name and title

AFFIDAVIT

Your Affiant, Michael T. Fuller, being duly sworn, hereby deposes and states as follows:

I.

INTRODUCTION

1. Your Affiant has been a law enforcement officer with the Dayton Police Department since 2001. Your Affiant is currently assigned as a Task Force Officer (TFO) on the Federal Bureau of Investigation's Southern Ohio Safe Streets Task Force (SOSSTF). As such, your Affiant is charged with investigating crimes against the United States of America, including but not limited to violations of Title 18 and Title 21 of the United States Code (U.S.C.). Your Affiant has received training in drug trafficking investigations and has participated in numerous narcotics-related investigations (ultimately leading to successful prosecution) that involved surveillance, gathering evidence of money laundering, interviewing suspected drug traffickers, and supervising the activities of informants who provided information and assistance which resulted in the seizure of narcotics. Your Affiant is familiar with federal drug laws, and is aware that it is a violation of Title 21, United States Code, Sections 841(a)(1) and 846 to knowingly and intentionally distribute and possess with intent to distribute controlled substances (including heroin and cocaine), as well as to conspire to do the same. Further, your Affiant is aware of federal firearm laws and knows that possessing firearms in furtherance of a drug trafficking crime is a violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2. In addition, your Affidavit is aware the possession of a firearm by a convicted felon is a violation of Title 18, United States Code, Section 922(g)(1).

II.

PURPOSE OF AFFIDAVIT

2. This Affidavit is submitted in support of a criminal complaint, and seeks the issuance of an arrest warrant against **David Lee LANDERS** for violations of: 18 U.S.C. § 922 (g)(1) (felon in possession of a firearm); 21 U.S.C. § 841(a)(1) (possession with intent to distribute controlled substances) and 18 U.S.C. § 924(c)(1)(a) (possession of a firearm in furtherance of a drug trafficking offense). The information contained in this Affidavit is largely based upon an investigation conducted by your Affiant and other law enforcement officers. All of the details of the investigation are not included in this Affidavit, rather only information necessary to establish probable cause of the above-described violations.

III.

SUMMARY OF PROBABLE CAUSE

3. On August 16, 2017, Dayton Police Department Detective Mollie Hamby obtained a state search warrant for 927 Steele Avenue, Dayton, Ohio 45410. Items to be searched for and seized included cocaine and heroin along with any other illegal drugs, controlled substance, drug related paraphernalia, weapons, and property associated with the sale of drugs. This search warrant was signed by the Honorable Dayton Municipal Court Judge Daniel Gehres. David Lee LANDERS, aka Brody, was the named suspect on the search warrant.

4. On August 17, 2017, members of the Dayton Police Department Narcotics Bureau served a search warrant at 927 Steele Avenue, Dayton, Ohio 45410. Prior to the service of this search warrant, Dayton Police Detective Raymond St. Clair conducted surveillance at the residence. While Detective St. Clair conducted surveillance at 927 Steele Avenue, he observed LANDERS exit the residence with two children and get into a black Chrysler 300. Detective St. Clair followed

LANDERS to Emerson Academy of Dayton where he was taken into custody by marked City of Dayton police officers.

5. Members of the Dayton Police Department Narcotics Bureau proceeded to serve the search warrant for 927 Steele Avenue. The only occupant of the residence was an elderly female, Denise Melvin. A short time later a second female arrived and identified herself as LaTosha Melvin, stating she lived there and is in a relationship with David LANDERS. Due to medical reasons, Denise Melvin was allowed to remain on the couch and LaTosha Melvin sat on the porch during the search of the residence.

6. As a result of the search warrant, numerous items of evidentiary value were recovered to include; 364.47 grams of Heroin (Schedule I) and Methamphetamine (Schedule II) mixed, 384.98 grams of Methamphetamine (Schedule II), 193.68 grams of Methamphetamine (Schedule II), 13.43 grams of Cocaine (Schedule II), 2.20 grams of Heroin (Schedule I), Fentanyl (Schedule II), and Methamphetamine (Schedule II) mixed, 27.98 grams of Cocaine (Schedule II), 1.73 grams of Heroin (Schedule II), Fentanyl (Schedule II), and Methamphetamine (Schedule II) mixed, and .52 gram of Methamphetamine (Schedule II). These items were sent to the Miami Valley Regional Crime Laboratory for analysis and found to contain the above mentioned illegal narcotics.

7. Also recovered from 927 Steele Avenue was a black and silver Smith & Wesson model SW9VE caliber 9mm semiautomatic pistol with serial number DUT4969 with 8 live rounds and a black Hi-Point model JHP caliber .45 semiautomatic pistol with serial number X4239071. The Smith & Wesson, model SW9VE, was test fired at the Miami Valley Regional Crime Laboratory and found to be operable and in good working condition. Based on my training and experience as well as a review of the Smith & Wesson, model SW9VE, this firearm is not manufactured in the state of Ohio and as such had to move in interstate commerce to reach LANDERS in this state.

8. Detective Hamby interviewed LaTosha Melvin, after reading her Miranda Rights, which she stated she understood. Melvin initially stated that David LANDERS did not live at 927 Steele Avenue but then said that was not true and that he did indeed live at the residence. When Melvin was asked about the items in the house she stated the black and silver handgun was hers however she did not know if the weapon was a semiautomatic handgun or a revolver. She indicated that the gun was on the top shelf in the bedroom closet even though it was recovered in the kitchen. Melvin said that the drugs recovered from the house were not hers and she would not say who they belonged to.

9. Detective Hamby interviewed David LANDERS, after reading his Miranda Rights, which he stated he understood. LANDERS stated that the drugs found in the residence were his. LANDERS said that LaTosha did not have anything to do with this. LANDERS stated both handguns found in the residence were his. LANDERS described both weapons and said both were located in the kitchen.

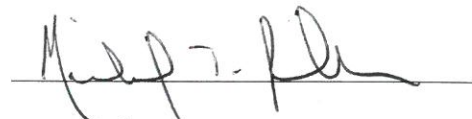
10. Your Affiant conducted a criminal history records check concerning David LANDERS. In doing so, It was learned that LANDERS had been convicted of the following felonies, punishable by a term of imprisonment exceeding one year – namely:

- a. On or about April 9, 2001, in the Court of Common Pleas, Montgomery County, Ohio, Case Number 2000 CR 02303, Aggravated Robbery (deadly weapon) F1 and Kidnapping (felony or flight) F1.
- b. On or about August 24, 2010, in the Court of Common Pleas, Montgomery County, Ohio, Case Number 2009 CR 03020, Possession of Cocaine (10grams but less than 25 grams-Crack) F2 and Illegal Manufacture of Drugs (Schedule I or II) F2.

11. Based on the facts set forth in the Affidavit, your Affiant believes there is probable

cause to believe that David LANDERS:

- a. On or about August 16, 2017, violated 18 U.S.C. § 922 (g)(1) (felon in possession of a firearm).
- b. On or about August 16, 2017, violated 21 U.S.C. § 841(a)(1) (possession with intent to distribute controlled substances)
- c. On or about August 16, 2017, violated 18 U.S.C. § 924(c)(1)(a) (possession of a firearm in furtherance of a drug trafficking offense)



Michael T. Fuller

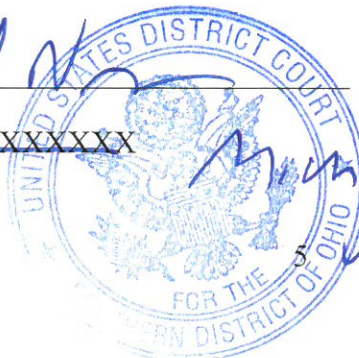
Task Force Officer

Federal Bureau of Investigation

Sworn to and subscribed before me this 23rd day of October, 2017.



HONORABLE ~~XXXXXXXXXXXX~~



Michael Newman,
US Magistrate
Judge

UNITED STATES MAGISTRATE JUDGE